



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

**Electronic Mail**  
**Return Receipt Requested**

Mr. Rich Stutzki  
Environmental Health and Safety Manager  
3M Company  
22614 Route 84N  
Cordova, Illinois 61242  
[rstutzki@mmm.com](mailto:rstutzki@mmm.com)

Re: Notice of Potential Violation and Opportunity to Confer & Notice of Intent to File a Civil  
Administrative Complaint against 3M Company  
EPA ID: ILD 054 236 443  
22614 Route 84N, Cordova, Illinois

Dear Mr. Stutzki:

This notice letter (Notice) is to inform you that the U.S. Environmental Protection Agency plans to file an administrative complaint for civil penalties against the 3M Company ("3M"), alleging violations of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 - 6992, as amended, at a facility operated by 3M at 22614 Route 84N, Cordova, Illinois. RCRA has a cradle-to-grave framework to ensure proper management of hazardous wastes which, if handled in an unsafe manner, could present risks to humans and the environment. EPA plans to file an administrative complaint against 3M alleging the RCRA violations, more fully described below, and assessing a proposed civil penalty of \$202,959.00.

EPA will allege that 3M violated RCRA as set forth in the attached Notice of Violation previously issued to 3M on July 5, 2019. In addition, EPA will also allege 3M failed to comply with the following permit condition:

1. Hazardous Waste Storage Tank Requirements

Under 35 IAC §§ 722.134(a)(1)(ii) and 725.295(g), a large quantity generator must inspect, where present, at least each operating day, data gathered from monitoring and leak detection equipment to ensure good working order and detect corrosion and/or releases of waste. A large quantity generator must document the daily inspections in the operating record of the facility.

3M has not documented daily inspections for six hazardous waste storage tanks. Two of the hazardous waste storage tanks are located in building 23, and the other four are located in building 3.

This letter is not a demand to pay a penalty, and EPA will not ask 3M to pay a penalty until EPA files the complaint or a final order in the matter. Before filing the complaint, EPA is providing 3M the opportunity to present any information that you believe we should consider prior to the filing of this matter. Relevant information might include evidence that 3M did not violate the law; evidence that 3M relied on compliance assistance from EPA, or a state agency; evidence that EPA identified the wrong party; or financial data bearing on 3M's ability to pay such a penalty. If you believe that 3M will be unable to pay a \$202,959 penalty because of financial reasons, please electronically send us certified, complete financial statements, including balance sheets, income statements and all notes to the financial statements, along with your company's signed income tax returns with all schedules and amendments, for the past three years, as part of your written response to this letter.

3M may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

Please send any written responses to this letter to:

[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

and

[Scambiatterra.graciela@epa.gov](mailto:Scambiatterra.graciela@epa.gov)

The subject line of all email correspondence must include "3M" and "ILD054236443." All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If you are unable to send a response to these email addresses due to email size restrictions or other problems, contact Ms. Gracie Scambiatterra to make additional arrangements for transmission of the response.

If you would like to confer with the Agency regarding this Notice, you should contact Ms. Scambiatterra via email or by phone at (312) 353-5103, requesting such a conference, within ten (10) calendar days after you receive this Notice. Please be advised that this conference is not a settlement negotiation covered by Federal Rule of Evidence 408 and we may use any information you submit in support of any administrative, civil or criminal action. After this conference (or after you have submitted a written reply), you will have an opportunity to engage in settlement negotiations before we file the complaint. If pre-filing settlement negotiations commence and are successful, a settlement agreement can be filed under EPA regulations at 40 C.F.R. § 22.13(b).

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Ms. Scambiatterra explaining

the specific impacts on your ability to respond.

After thirty (30) days from receipt of this letter, EPA may file a complaint without further notice against 3M as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

If you have any legal questions regarding this Notice, please contact Robert Thompson, Associate Regional Counsel, at (312) 353-6700, or by email at [thompson.robertl@epa.gov](mailto:thompson.robertl@epa.gov).

Sincerely,

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

Attachment – July 5, 2019 EPA Notice of Violation

cc: R. Thompson, ORC (C-14J)  
[thompson.robertl@epa.gov](mailto:thompson.robertl@epa.gov)

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